

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

POLARIS POWERLED TECHNOLOGIES,
LLC,

Plaintiff,

v.

NINTENDO CO., LTD., and
NINTENDO OF AMERICA, INC.,

Defendants.

No. 2:22-cv-00386-JLR

**STIPULATED MOTION TO
MODIFY SCHEDULE
RELATING TO CLAIM
CONSTRUCTION EXCHANGES**

DEMAND FOR JURY TRIAL

Pursuant to LCR 7(d)(1) and 10(g), Plaintiff Polaris PowerLED Technologies, LLC (“Polaris”) and Defendants Nintendo Co., Ltd. and Nintendo of America Inc. (collectively “Nintendo”) hereby jointly file this stipulated motion to modify the Minute Order Setting Trial Dates and Related Dates (Dkt. 41) to address certain patent claim construction exchange deadlines.

The proposed modifications do not impact any court filing or court hearing. As set forth below, good cause exists for the proposed modifications.

I. Requested Schedule Modifications

The parties jointly propose the following modifications to the case schedule (Dkt. 41):

| Event | Dkt. 41 | Proposed Dates |
|------------------------------------------------------------------------------|-------------------|---------------------|
| Exchange of Proposed Terms and Claim Elements for Construction (LPR 130) | No date set | December 28, 2022 |
| Exchange of Preliminary Claim Constructions and Extrinsic Evidence (LPR 131) | No date set | January 12, 2023 |
| Reports from expert witnesses regarding Markman issues due | January 6, 2023 | January 25, 2023 |
| Rebuttal expert reports regarding Markman issues due | February 2, 2023 | February 15, 2023 |
| Preliminary Claim Chart | February 17, 2023 | March 1, 2023 |
| Joint Claim Chart and Prehearing Statement | March 15, 2023 | <i>Not Modified</i> |

The dates for the Joint Claim Chart and Prehearing Statement, claim construction briefing, and the Markman hearing (set for May 26, 2023) are not impacted by the proposed changes to the schedule.

II. Good Cause for the Requested Schedule Modifications

The parties submit that good cause exists for the proposed scheduling modifications and none of the proposed modifications impact filings with the Court. First, the parties have agreed to dates for exchanging claim terms and proposed constructions. While these dates were not provided for in Dkt. 41, the Court's Standing Order for Patent Cases contemplates an agreement on these dates prior to the formulation of the preliminary claim chart as the parties have proposed above. *See* Standing Order for Patent Cases at p. 3. Second, the parties have proposed shifting the deadlines for the exchange of opening and rebuttal expert reports relating to claim construction by two to three weeks. This modification of deadlines will allow the parties to streamline any claim construction disputes through the exchanges of terms and proposed constructions prior to engaging in any expert discovery. Finally, the

parties propose that the date of the Preliminary Claim Chart exchange be moved by less than two weeks. This modification will allow for adequate time to engage in the exchanges discussed above, as well as adequate time to finalize the Joint Claim Chart and Prehearing Statement due March 15, 2023.

Overall, each of the proposed modifications to the schedule are made with the goal of streamlining the claim construction dispute process and done so without impacting any court submissions.

III. Conclusion

For the reasons stated herein, and for good cause shown, the parties jointly propose that the Court adopt the proposed modifications to the schedule.

DATED: December 19, 2022.

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12 **ORDER**

14 It is so ordered:

16 Dated:

17 _____
18 JAMES L. ROBERT
19 United States District Judge